

**ADVERTISED**



*1 Baynes Park Road, Monbulk*

*Town Planning & Urban Context Report  
(Revision B)*

*Use and development of land for a Child Care Centre,  
buildings and works in an SLO22 and Bushfire prone area,  
and vegetation removal*

*September 2022 (amended May 2023)*

Prepared by:

**Apex Town Planning Pty Ltd**

**November 2022 (amended May 2023)**

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# APPLICATION DETAILS

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Application:	Use and development of land for a Child Care Centre, buildings and works in an SLO22 and Bushfire prone area, and vegetation removal
Address:	1 Baynes Park Road, Monbulk
Municipality:	Yarra Ranges Shire Council
Zoning:	Low Density Residential Zone
Overlays:	Significant Landscape Overlay (schedule 22) Bushfire Management Overlay (Schedule 1)

## Relevant Planning Policy:

### Municipal Planning Strategy

▪	Clause 02.01	Context
▪	Clause 02.02	Vision
▪	Clause 02.03	Strategic directions
▪	Clause 02.04	Strategic framework plan

### Planning Policy Framework:

▪	Clause 11	Settlement
▪	Clause 11.03-1S	Activity centres
▪	Clause 13.02-1S	Bushfire planning
▪	Clause 13.05	Noise
▪	Clause 13.07-1S	Land use compatibility
▪	Clause 15	Built Environment & Heritage
▪	Clause 15.01	Built Environment
▪	Clause 17	Economic Development
▪	Clause 17.01	Employment
▪	Clause 19.02-2S	Education facilities

### Other Planning Provisions:

▪	Clause 52.06	Car parking
▪	Clause 53.02	Bushfire Planning
▪	Clause 65	Decision Guidelines

## 1.0 Introduction

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This report has been prepared on behalf of ASL Real Estate to discuss an application for the 'Use and development of land for a Child Care Centre, buildings and works in an SLO22 and Bushfire prone area, and vegetation removal' at 1 Baynes Park Road in Monbulk.

This report has been updated in in May 2023 in response to some additional changes made to the plans in order to respond to concerns raised by residents.

The plans have been amended in the following manner:

- The vehicle crossing has been widened to 6.8 metres, providing easier access.
- The turning bay within the car park has been removed and the bin enclosure relocated, which has allowed for the setback of the car park from the southern boundary to be increased and improved.
- The Activity Area 5 (on the Ground Floor) has been extended and the number of children increased from 16 to 20. The associated play area has also been increased in size to accommodate the higher numbers. This includes the internal fence being relocated closer to the southern boundary to provide more area.

This internal fence of a 1.8 metre high acoustic fence and will be positioned 1.00 metre from the boundary and provide for additional screening.

- Activity Area 3 and Play Area 3 (sitting above the carpark) have been altered in the following manner:
  - The childrens room has been shifted from the back to the front (adjacent to the street).
  - The number of children has been reduced from 16 to 12.
  - The reduction in the number of children has allowed for the extent of the building and the play area to be reduced. This has resulted in additional setbacks to the south from 4.03 to 7.27 metres. The western side setback remains the same (though the length adjacent to the boundary is less) and the front setback is not altered.
- The landscape plan has been updated and includes the provision of frames with creepers along the western boundary.

This amended report provides a review of the site and the surrounds, discusses the proposed use and development and provides a summary of all the relevant planning controls.

The report then provides an assessment of the proposed use and development in regards to site responsiveness, amenity impacts and compliance with the relevant provisions of the Yarra Ranges Planning Scheme.



*Figure 1 – The site frontage – Baynes Park Rd*



*Figure 2 – Site frontage – Emerald-Monbulk Rd*



## 2.0 Site Description

### 2.0 Subject Site

The site is an unconventional shaped lot situated on the south-western corner of Baynes Park Rd and Emerald-Monbulk Rd.

The side western boundary is 39.58 metres in length and abuts a residential property. The abutting property is downslope, relatively large (just over 1100m<sup>2</sup>), contains a dwelling which is centrally positioned and contains some landscaping adjacent to the common boundary.

The side (southern) boundary is 39.89 metres in length and abuts a residential property with a dwelling positioned well away from the boundary and some outbuildings positioned close to the common boundary.

The eastern boundary of the site abuts Emerald-Monbulk Rd and is 35.50 metres wide. The road reserve consists of only a grass verge and some small street vegetation.

The site frontage is to the north and abuts Baynes Park Rd. This frontage consists of 2 angled sections in a shallow V shape. These are 25.89 metres and 25.55 metres in length.

The road reserve contains a kerb and channel and has a concrete footpath, while the grass verge (between the footpath and the road boundary) contains a low hedge.

It is also noted that there a splay at the street intersection and the total site area is 1559m<sup>2</sup>.



*Figure 3 – Map showing the area and surrounding lot configurations*

The site has vehicle access off Emerald-Monbulk Rd which provides access to a single storey brick and weatherboard dwelling.

There is a galvanised iron garage located at the north-eastern corner close to the road and the abutting residential property, and a pool down the bottom of the site towards the south-western corner (close to Baynes Park Rd).

The site has a noticeable fall generally down the site and partially across it, with the north-western corner being the high point at 255.07 AHD and the south-eastern corner being the low point at 248.73 AHD.

The site contains a moderate amount of vegetation, as detailed in the arborist assessment. This includes:

- There are no High value trees on the site.
- Six (6) trees are located on the site require a planning permit to remove.

- Of these trees, 2 are Low value (6 & 12), 3 are medium value (2, 6 & 10) and 1 is of medium + value (11).

Then plans show all trees on the site to be removed.

## 2.2 Site surrounds

The site is positioned just outside of the town centre, with the land to the north-east of the site being within a Commercial 1 Zone. The land on the opposite corner of Baynes Park Rd (to the east) and Emerald Monbulk Rd contains an Aldi supermarket with the rear (facing the site) consisting of a carpark area.

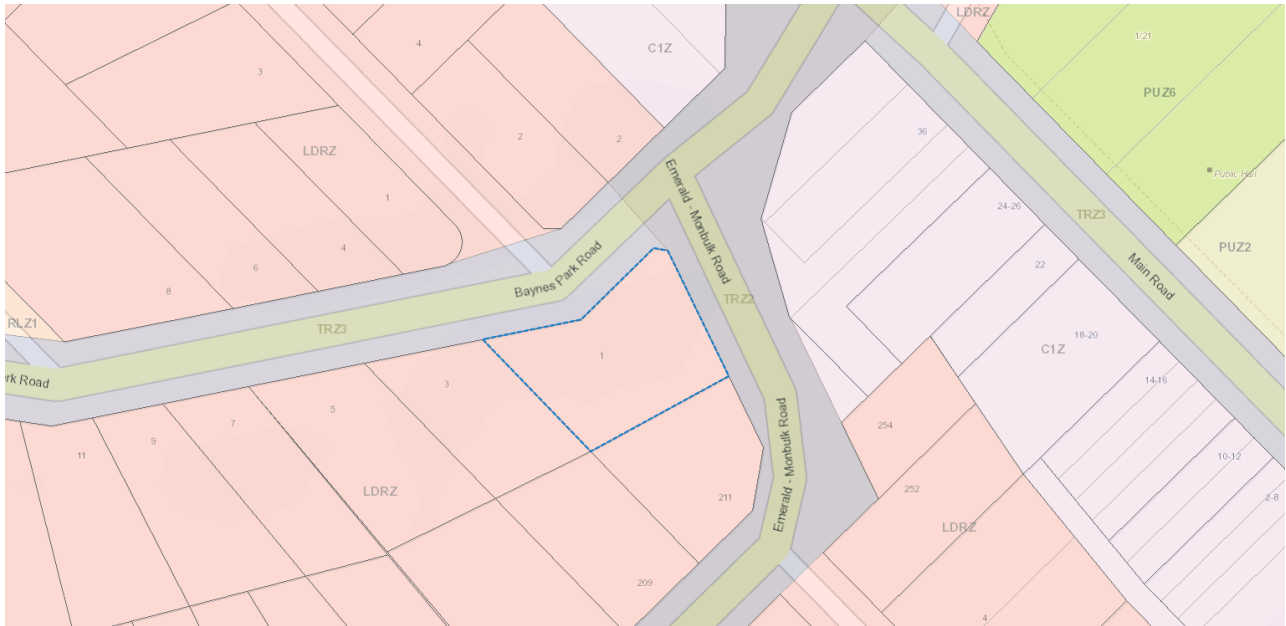


Figure 4 – Zoning map

Positioned to the north of the site is where Nugent St intersection with Baynes Park Rd. The property on the eastern side of this is a double storey dwelling which has been converted to a Vet clinic.

To the east of this is a well established single storey dwelling located on an extensively vegetated property. Further east (and extending all the way to Main St) is a vacant and heavily vegetated large property.

The western side of Nugent St contains an established dwelling, as does the next property to the west.

As stated earlier, there is a residential property positioned adjacent to both the western and southern boundaries. Both of these contain a single dwelling with access off their respective roads.

Most notably, 211 Emerald-Monbulk Rd to the south has the dwelling positioned well away from the common boundary with a large garage and a smaller shed positioned close to the boundary.

Number 3 Baynes Park Rd is positioned to the west and is the most sensitive interface due to the site slope and the proximity of this dwelling close to the boundary.

## 2.3 Access to Infrastructure

The site is positioned within close proximity to a range of services and facilities. It is located on the edge of the town activity centre with easy access to retail services, public transport (bus routes 663 and 696 run along Baynes Park Rd) and on the edge of the residential environment.

The site is therefore well located to accommodate the proposed use and development.

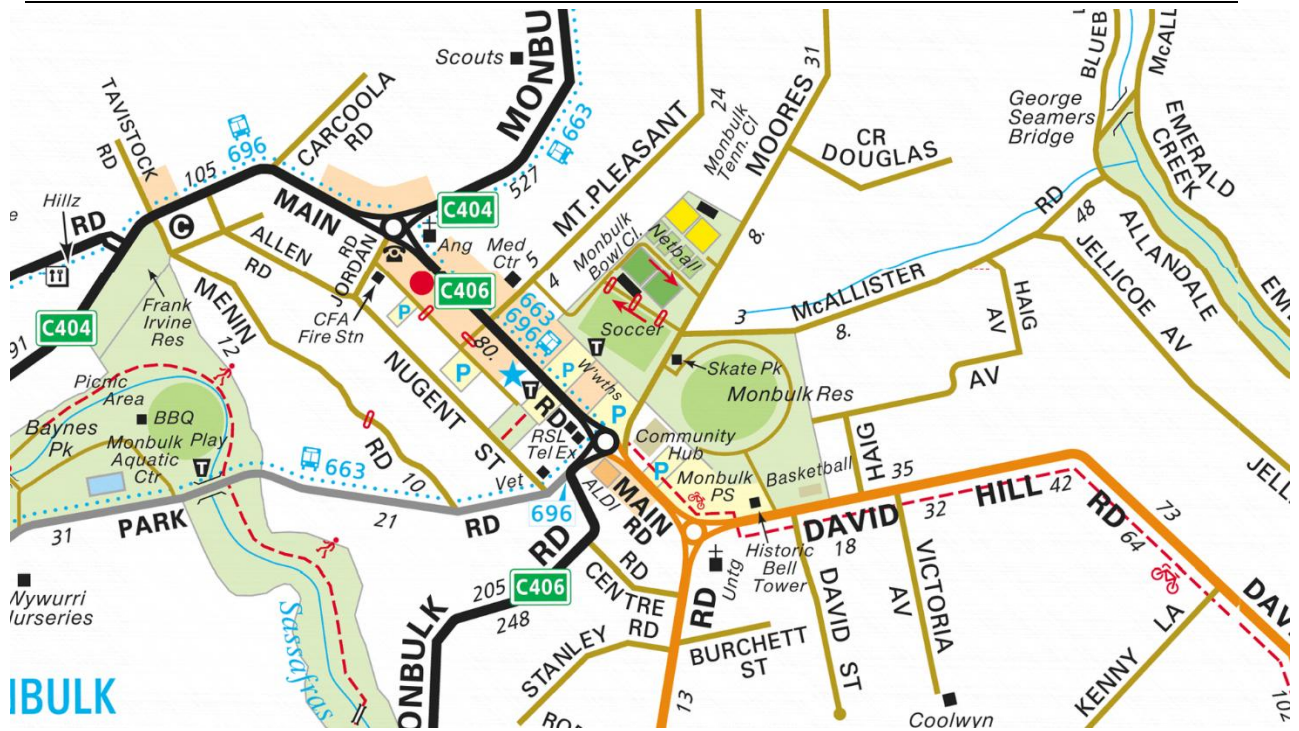


Figure 5 – Melways online

## 3.0 Proposal

### 3.1 Description of proposed Use/Development

This application proposes to remove the existing house and buildings from the site, and all the vegetation, and construct a Child Care Centre which will accommodate 88 children.

The proposed Child Care Centre has been designed to be considerate of the site location, slope and road abutments.

It has been designed to step down the slope via the provision of a lower level (undercroft) carparking area. This is to be accessed off Baynes Park Rd at the site frontages lowest point.

A double width vehicle crossing will allow for cars to enter and exit in a forwards direction. There will be large landscape beds provided to the front of the car park, in particular to the western side between the car park and the road frontage (and abutting the neighbouring residential property).

The car park is also located 2.00 metres off the western side boundary, with this setback slowing for spacing and landscaping.

The car park will provide 19 car spaces (meeting the requirements of Clause 52.06 and ensuring that no dispensation is being sought) and will include an accessible space and 2 wider spaces (3.0 metres in width) which are designated for quick drop offs and pick ups.

Pedestrian access from the car park to the building will be provided through the accessible car park. This will lead to lower level which contains a lift and stair to the level above, a planning room, laundry, staff room and a Play room for 20 younger children. A play area has been benched onto the site to accommodate the children in this rooms.

The level above will be accessed via the stairs and lift at the lower level, and via a pedestrian path (disabled compliant) which connects to the driveway at the edge of the property fronting Baynes Park Rd.

This level will contain a formal entry with a reception and office area, with a corridor providing access to a piazza, kitchen and a disabled toilet.

The western side of the building will extend above part of the car park (and be positioned (12 children). The internal rooms have been provided facing Baynes Park Rd to screen the play deck



area. Please note that the screening ensures that there is suitable acoustic treatment (which is assisted by the reduction in the number of children present).

The eastern side of the building will provide access to 3 additional play rooms accommodating 12, 22 and 22 children each.

Each of these rooms has been designed to directly access a compliant outdoor play area, all of which have been levelled via the use of cut and fill. This has resulted in a cut and a retaining wall of up to 1.0 metre in height along the eastern boundary (abutting Emerald-Monbulk Rd) and extending partially along the northern boundary to Baynes Park Rd.

The wall a retaining wall along Baynes Park Rd transitions from cut to retaining fill as it leads further to the west due to the site slope. At the western end the wall will be as much as 1.6 metres in height and stepped just back from the road frontage.

Fencing to the road frontages is proposed to be a 1.8 metre high vertical timber slat style.

The development has been designed to have landscaping opportunities adjacent to the 2 residential interfaces and all children play areas are stepped away from these.

The building form will have a strong residential appearance. The external walls will consist of painted weathertex (bushland colour) with a pitched colorbond roof (woodland grey).

It is proposed that the premises will be open Monday to Friday 6.30am to 6.30pm. Besides accommodating 88 children, it is expected that there will be a maximum 16 staff members on the site. Staff will work at various hours, and hence arrive and leave at staggered times.

It is also vital to note that the drop off and pick up times are spread over a large period of time (unlike schools). While the premises will open at 6.30am, the peak arrival time will be between 8.00am and 9.00am, with some of the children being dropped off even after that time.

Pick up times are also spread out over a number of hours, and include before school finishes right up to 6.30pm.

Both the drop off and pick up times will extend over a 3 hour period each, and often siblings will attend the premises and it is not unusual for local users to walk to the premises.

Given these points, it is expected that the level of vehicle movements, parking impacts and amenity impacts will not be excessive or cause any detrimental impacts to the surrounding properties and the broader area.

### 3.2 Responsiveness to Site

The development responds to the site opportunities and constraints through the following way:

- The site is located on the edge of the commercial activity centre.
- The site location close to a main road, close to an activity centre and is accessible to bus routes.
- Safe and convenient vehicle access to the site is available.
- The site topography has been responded to via the creation of a smaller lower level via the utilisation of the site fall.
- The land uses will serve the local community.
- No vegetation of significance will be removed or impacted.
- Landscaping opportunities are available, particularly to the residential interfaces.
- The residential interfaces have been considered in terms of amenity impacts via the landscape buffers and the stepping of play areas away from these.
- This is an ideal use and development on the edge of an activity centre leading into a residential environment.

## 4.0 Planning Policy

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### 4.1 Municipal Planning Strategy

#### Clause 02.01 – Context

Clause 02.01-2 (*Municipal Profile*) states that Shire of Yarra Ranges is located on the eastern fringe of metropolitan Melbourne with a population currently estimated at 149,300 (ABS 2016) that is forecast to grow by only 8 per cent annually (mostly in the established urban areas and townships which have opportunities for additional higher density housing that is accessible to employment, community facilities and public transport).

The Shire balances a mix of urban and rural communities, with around 70% of the Shire's population live in the urban areas.

Clause 02.01-2 (*Environment*) states that the environmental and scenic rural characteristics of Yarra Ranges support a rich biodiversity. The municipality also contains some of the most environmentally important areas in Victoria. Including mountain ranges and valleys that contain extensive areas of botanically and zoologically significant remnant indigenous vegetation that provide important habitat for wildlife.

Clause 02.01-3 (*Economy*) states that the Yarra Ranges has a diverse economy. Manufacturing is the most valuable sector of the local economy, with other key employment sectors being tourism, construction, property and business services, retail trade and agriculture.

The *Built form* is discussed within Clause 02.01-4, where it is stated that the suburbs, towns and rural landscapes of Yarra Ranges have their own visual identity which is valued by residents and visitors.

#### Clause 02.02 - Vision

The vision in the *Yarra Ranges Council Plan 2017-2021 (2017)* is that the Shire of Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty.

For land use and development, this vision means:

- *The natural environment will continue to be the most defining characteristic of Yarra Ranges.*
- *Yarra Ranges will lead the way in sustainably meeting the evolving needs of a growing community without compromising its natural assets.*
- *Yarra Ranges will embrace its urban fringe location and its unique mix of suburbs, rural towns and scenic landscapes.*
- *The efficient use of urban land will avoid the need for urban encroachment in the Green Wedge.*
- *Through increased development in activity centres people will have access to a range of transport options and an expanded network of pedestrian and bike trails. An equitably distributed array of well-designed and adaptable community facilities and public places will generate increased community interaction and a greater sense of community safety.*

#### Clause 02.03 – Strategic directions

Clause 02.03-1 (*Settlement*) states that 'additional urban housing development outside of the established Urban Growth Boundary would lead to unsustainable outcomes such as high infrastructure costs and adverse impacts on the environment, landscape and agricultural practices.'

Council's strategic directions for settlement includes to:

- *Contain urban development and urban renewal within the urban growth boundary.*
- *Support a mix of housing, business opportunities and community infrastructure within the suburbs and larger rural towns.*

Table 2 (*Yarra Ranges Activity Centre Hierarchy*) states that Monbulk is considered to be a *Large Neighbourhood Activity Centre*.

The *Large Neighbourhood Activity Centres* are described as:

*Smaller in floor space terms than Major Activities Centres, these centres have a retail mix that is focused on convenience and grocery shopping. They also provide a range of community services to the surrounding communities.*

*Some of these centres, which serve a catchment that extends into the rural hinterland, perform a significant role in the provision of community and civic services, with some also providing a range of facilities and services for tourists.*

*Land within and adjoining these centres is generally an appropriate location for additional housing.*

It is further stated that:

*The existing activity centre network located in the suburban areas of the municipality, offers sufficient opportunities to meet projected future retail requirements in established centres that are accessible to residents.*

*The creation of a sustainable urban form that consolidates development around a network of activity centres also has environmental and social benefits including reducing car dependency, efficient use of community infrastructure, and reducing the need for urban development in rural areas.*

Council's strategic directions for activity centres includes to:

- *Locate retail, commercial, entertainment, community services and facilities and other intensive employment generating activities within established activity centres.*
- *Support well-designed and integrated activity centres that service the needs of local residents and visitors and contribute to a sense of local identity.*

*Clause 02.03-3 (Environmental risks and amenity) states that the combination of Yarra Ranges' natural topography, its urban fringe location and projected climate changes has resulted in many communities being exposed to environmental hazards including bushfire. Priority should be given to the protection of human life in the management of areas that are affected by environmental hazards.*

*Under Amenity it is stated that the residential zones in Yarra Ranges permit a range of non-residential business uses that meet local community needs.*

*Lower land values in residential neighbourhoods can attract commercial activities that can adversely affect the amenity of residential neighbourhoods through car parking and traffic and undermine the role of activity centres.*

Council's strategic direction for amenity is to:

- *Provide opportunities in residential zones for non-residential land uses that respond to local community needs and retain the residential character of the area.*

*Clause 02.03-5 (Built environment and heritage) states that scenic landscapes are a key contributor to the identity of Yarra Ranges and unsympathetically designed new development can detract from these landscapes.*

It is stated that:

*The identity and rural town character of many Yarra Ranges settlements is enhanced by their location in a rural landscape setting and distinct separation from other urban areas. The quality and presentation of buildings and public places in Yarra Ranges' activity centres also plays a significant role in creating a sense of place for local communities.*

*Much of the building stock in Yarra Ranges comprises modest buildings constructed before the introduction of environmentally sustainable design concepts.*

*The future built form of development will adopt environmentally sustainable design principles, be accessible to people of all abilities, respect heritage places and will reinforce the valued characteristics of their surroundings.*

Council's strategic directions for the built environment and heritage are to:

- *Protect and respect sensitive environments, significant landscapes and cultural and natural heritage.*
- *Incorporate best practice environmental design to contribute to sustainable building form.*

- *Encourage development that contributes to a sense of place and adds to the character and identity of the distinct localities in Yarra Ranges.*

Clause 02.03-7 (Economic development) states:

*Yarra Ranges has a narrow economic base with a limited range of higher-level employment opportunities. Many residents travel outside the municipality for jobs and high-order services, including tertiary education and regional shopping centres.*

Council's strategic directions for economic development includes to:

- *Provide for new businesses in accessible locations that broadens the economic base and range of employment opportunities in Yarra Ranges.*

Clause 02.03-9 (Infrastructure) states under Community and development infrastructure:

- *Many low-density residential areas are not seweraged. Extending reticulated sewerage to un-serviced areas will address effluent disposal issues in Monbulk and other residential communities in the southern foothills of the Dandenong.*
- *More intensive redevelopment within activity centres, at strategic redevelopment sites and through urban consolidation and renewal needs to be coordinated with the provision of reticulated services infrastructure and community infrastructure.*
- *Council's strategic directions for community and development infrastructure are to:*
  - *Consolidate future development in fully serviced areas within the Urban Growth Boundary.*
  - *Ensure major developments make contributions to address community infrastructure needs, including through community hubs comprising clusters of adaptable community facilities in accessible locations.*

#### [Clause 02.04 – Strategic framework plan](#)

Under this clause the first map is the *Yarra Ranges strategic Framework plan*. It shows that the site is located within the Urban Area and the Growth Boundary.

## 4.2 Planning Policy Framework

### [Clause 11 - Settlement](#)

This clause states that:

*Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*Planning is to recognise the need for, and as far as practicable contribute towards:*

- *Health, wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

*Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.*



*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

#### Clause 11.01-1S - Settlement

The Objective is:

*To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant Strategies include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*

#### Clause 11.01-1L-01 – Settlement

Strategies include:

- *Cluster businesses, community facilities and housing within activity centres.*
- *Contain rural towns within Urban Growth Boundaries to create distinctive and compact towns separated by rural land.*

Policy guidelines - Urban Growth Boundary states that that following considered as relevant:

- *Changes to the Urban Growth Boundary of rural towns to provide for:*
  - *Community infrastructure that provides a community benefit and cannot be accommodated within the existing town boundary.*
  - *Industrial use and development required to service the needs of surrounding communities.*

#### Clause 11.03-1S – Activity centres

While the site is not located within an activity centre, it is positioned opposite commercially zoned land within the Monbulk activity centre, so is positioned just outside of this.

The Objective is:

*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Relevant Strategies include:

- *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:*
  - *Is a focus for business, shopping, working, leisure and community facilities.*
  - *Is connected by transport.*
  - *Maximises choices in services, employment and social interaction.*

#### Clause 11.03-1L-01 – Activity centres

Strategies include:

General

- *Support use and development that reinforces the role and function of each activity centre as defined in Table 2 - Yarra Ranges Activity Centre Hierarchy in Clause 02.03-1.*
- *Maintain a network of vibrant activity centres that collectively offer a wide and equitably distributed range of commercial services, employment opportunities, and community infrastructure.*
- *Facilitate a diverse mix of land uses within activity centres that do not adversely affect the level of service provided by other centres in the activity centre network as defined in Table 2 - Yarra Ranges Activity Centre Hierarchy in Clause 02.03-1.*

- *Design development to avoid conflicting land uses.*
- *Design development to provide a building character, scale and density that is compatible with the environmental and preferred built character of a centre.*
- *Ensure development responds to the land capability of the site.*

#### Clause 12.05-2S - Landscapes

The Objective is:

*To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Strategies are:

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*

#### Clause 13.02-1S - Bushfire planning

Under *Policy application* that this policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Strategies include:

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

#### Clause 13.05 - Noise

Clause 13.05-1S (Noise abatement) contains the following Objective:

*To assist the management of noise effects on sensitive land uses.*

Under *Strategy* it is stated:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

### Clause 13.07-1S - Land use compatibility

The Objective is:

*To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Under Strategy it is stated:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

### Clause 13.07-1L – Non-residential uses in residential areas

Policy application states:

*This policy applies to non-residential uses in the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone.*

It does not apply to the Low Density Residential zone, but will be discussed anyway.

*Location strategies*

- *Discourage the dispersal of medical facilities into residential areas.*
- *Discourage the incremental encroachment of commercial uses into residential neighbourhoods.*
- *Encourage non-residential uses to adjoin an activity centre or abut a Transport Zone.*
- *Discourage non-residential uses from forming ribbon development along land abutting a Transport Zone and forming a quasi-commercial area.*

*Design strategies*

- *Design use and development to be compatible with the surrounding character and amenity of residential neighbourhoods.*
- *Set back non-residential development from common boundaries and provide effective landscaping and screening buffers to protect residential amenity of abutting and nearby residential land.*
- *Provide off-street car parking and design access to minimise the need for cars to travel through local residential streets.*

Policy guidelines state that it should be considered:

- *Whether a proposed non-residential land use or development demonstrates a need to locate in a residential area.*

### Clause 15 – Built Environment and Heritage

It is stated that:

- *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*
- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

- *Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.*
- *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- *Planning should promote excellence in the built environment and create places that:*
  - *Are enjoyable, engaging and comfortable to be in.*
  - *Support human health and community wellbeing.*
  - *Accommodate people of all abilities, ages and cultures.*
  - *Contribute positively to local character and sense of place.*
  - *Reflect the particular characteristics and cultural identity of the community.*
  - *Enhance the function, amenity and safety of the public realm.*
- *Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.*
- *Planning should facilitate development that:*
  - *Is adapted and resilient to climate related hazards.*
  - *Supports the transition to net zero greenhouse gas emissions.*
  - *Minimises waste generation and supports resource recovery.*
  - *Conserves potable water.*
  - *Supports the use of, and access to, low emission forms of transport.*
  - *Protects and enhances natural values.*
  - *Minimises off-site detrimental impacts on people and the environment.*

#### Clause 15.01 – Built Environment

Clause 15.01-1S (Urban design) contains the following Objective:

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

#### Clause 15.01-2S - Building design

Objective:

*To achieve building design and siting outcomes that contribute positively to the local context,*



enhance the public realm and support environmentally sustainable development.

Strategies include:

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
  - *Passive design responses that minimise the need for heating, cooling and lighting.*
  - *On-site renewable energy generation and storage technology.*
  - *Use of low embodied energy materials.*
- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

#### Clause 15.01-2L – Environmentally Sustainable Development

Objective

*To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

The policy guidelines require that a Sustainable Design Assessment be undertaken.

#### Clause 17 – Economic Development

- *Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.*
- *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*

#### Clause 19 - Infrastructure

- *Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.*
- *Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.*

## Clause 19.02-2S - Education facilities

This clause contains the following Objective:

*To assist the integration of education and early childhood facilities with local and regional communities.*

Strategies include:

- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
- *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
- *Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.*
- *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*

## 4.4 Zone

The subject site is located within a Low Density Residential Zone (Schedule 2) under the Yarra Ranges Planning scheme. The Purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*
- *Under the Table of uses contained within Clause 32.03-1, a Child Care Centre is not listed and therefore automatically falls into a Section 2 usage, which is allowed subject to the grant of a planning permit for the usage.*
- *Clause 32.03-4 (Buildings and works) requires that any construction or works associated with a Section 2 use requires a planning permit.*

Clause 32.03-6 (Decision guidelines) states that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

There are no other relevant decision guidelines.

Under the Zone provisions signage falls into Category 3 of Clause 52.05.

The zone schedule does not contain any other relevant requirements.

## 4.5 Overlays

The site is impacted by 2 overlays, being the Significant Landscape Overlay (Schedule 22) and the Bushfire Management Overlay.

### Significant Landscape Overlay (Schedule 22)

This area is designated as being Foothills and Rural Townships, including Monbulk.

Part 1.0 (Statement of nature and key elements of landscape) states that:

*The landscape significance of residential areas in the Shire is attributed to the quality of the environment which includes the vegetation and its relationship to the broader landscapes which contribute to a 'sense of place'. Many of these landscapes have National Trust classification including: the Western Face of the Dandenong Ranges, Sherbrooke Forest, Upper Yarra River and Environs, Silvan Agricultural Area and the Puffing Billy Railway Scenic Corridor.*

*Vegetation and buildings occurring in streamside areas are of particular significance as they play a role in the broader catchment.*

It also states:

*Monbulk sits below forested hills, with generous blocks and low level gardens. Remnant dry forest and other large canopy trees along with bush gardens, strengthen its landscape character. Monbulk straddles the ridge between two creeks and provides views to the Silvan Agricultural Area and The Patch classified landscapes.*

The key elements of these landscapes are:

- *A visual dominance of vegetation including large mature native and indigenous trees and garden planting of both native and exotic plants*
- *The majority of development sits within the landscape with minimal excavation and dwellings are partly obscured from view*
- *Hillsides appear to be covered with trees, even when developed with houses*
- *Vistas through development to hills, canopy trees and the surrounding landscape*
- *A general lack of front fencing.*

Part 2.0 (Landscape character objectives to be achieved):

- *To recognise and conserve the environmental and visual sensitivity of residential areas*
- *To maintain vegetation as a dominant element of the landscape and encourage retention and regeneration of native vegetation*
- *To ensure development is sensitive to the natural characteristics of the land including slope, terrain and any existing vegetation.*
- *To ensure setbacks are generous, consistent with nearby dwellings and allow sufficient space for mature plantings*
- *To ensure site cover maintains the ambience and sense of spaciousness*
- *To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape*
- *To ensure that the health of existing trees is not jeopardised by new development*
- *To maintain an absence of front fences and informal rural character with either open style front fencing or an absence of front fencing*
- *To protect and preserve the riparian areas along waterways.*

Part 3.0 (Permit requirement) includes:

*Fences*

*A permit is required to construct a front fence. This does not apply:*

- *if the fence is less than 1.2 metres in height or*
- *if the fence is more than 75% transparent.*

*Vegetation*

*A permit is required to remove, destroy or lop any indigenous vegetation or substantial tree. A substantial tree is defined as having a diameter at breast height (DBH) greater than 0.16 metres 1.3 m above the ground. (Equivalent to a circumference of 0.5 metres at breast height).*

*There are some exemptions.*

*Buildings and Works A permit is not required to construct a building or carry out works provided all the following requirements are met:*

- *The height of any part of a building is no more than 7.5 metres above the natural surface of the ground directly below it*
- *The total building footprint does not occupy more than 30% of the site and the total hard surface area (impervious surfaces) does not exceed 50% of the site*

- *The buildings and works are at least 4 metres from the base of any substantial tree. Works may occur closer than 4 metres provided they do not alter the existing ground level or topography of the land.*

Part 4.0 (Decision guidelines) states that before deciding on an application, the responsible authority must consider as appropriate:

- *Whether the development satisfies the statement of key elements of the landscape and character objectives of this schedule*
- *The role of vegetation in contributing to the character and environmental significance of the area*
- *The impact of the proposal on views within the foothills areas and on more distant views across the city and suburbs to the foothills of the Dandenong Ranges*
- *The impact of the proposal on the rural character of the townships where development is more spacious and allows views through to the Yarra Valley and/ or the foothills*
- *If the buildings are of a height that is below the tree canopy level and are inconspicuous in the landscape. Aspects such as the height of surrounding development, the slope of the land and the impacts on views to and from adjacent viewpoints should be carefully considered*
- *The site coverage allows for the planting of canopy trees and other vegetation*
- *The buildings are dispersed to allow trees to be planted among them and any works will not impact on the health of any substantial tree*
- *The habitats for native fauna, including wildlife corridors will be protected, strengthened or created.*
- *If the buildings or works will adversely impact on the natural environment of the adjacent watercourse*
- *If front fences are commonly provided in the street and the style of fence, including degree of transparency, height, materials and finishes.*

#### [Bushfire Management Overlay \(Schedule 1\)](#)

The Purpose of this overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Clause 44.06-1 (Bushfire management objectives and application of schedules) states that a schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

Clause 44.06-2 (Permit requirement) states that a planning permit is required for the construction of an Education Centre.

Clause 44.06-3 (Application requirements) states a schedule to this overlay specifies different requirements that must accompany an application. The schedule does provide details as to what is required to be provided.

Clause 44.06-4 (Requirements of Clause 53.02) states that an application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay. A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.



Clause 44.06-5 provides mandatory conditions to be placed on permits.

Clause 44.06-6 (*Referral of applications*) requires an application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

Clause 44.06-8 (*Decision guidelines*) states that before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any other matters specified in a schedule to this overlay.*

Schedule 1 is referenced as the *Badgers Creek, Belgrave South, Healesville, Lilydale, Monbulk, Montrose, Mooroolbark, Mt Evelyn, Wandin North BAL-12.5 Areas.*

This overlay only relates to the construction of a dwelling.

## 4.6 Other Provisions

### Clause 52.06 – Car Parking

This clause aims to ensure that use and development provide an adequate number of parking spaces, and that these are well positioned, designed and accessible.

A child care centre is required to provide parking at a ratio of .22 spaces per child. In this instance that would equate to 19 parking spaces.

I do believe that the car park has been designed to meet all design requirements and is both safe and accessible.

### Clause 53.02 –Bushfire Planning

The Purpose of this clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

#### *Application*

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Clause 53.02-4.1 (*Landscape, siting and design objectives*) states:

- *Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.*
- *Development is sited to minimise the risk from bushfire.*
- *Development is sited to provide safe access for vehicles, including emergency vehicles.*
- *Building design minimises vulnerability to bushfire attack.*

53.02-4.2 (*Defendable space and construction objective*):

- *Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.*

#### 53.03-4.3 (Water supply and access objectives)

- *A static water supply is provided to assist in protecting property.*
- *Vehicle access is designed and constructed to enhance safety in the event of a bushfire.*

The relevant measures to each of the above has not been quoted but has been discussed within the assessment part of this report.

Clause 53.02-4.5 requires that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.*
- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*
- *Whether the proposed development meets the objectives of Clause 52.47-2 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.*
- *Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.*
- *Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- *If one or more of the objectives in Clause 52.47-2 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.*

#### Clause 65 – Decision Guidelines

Clause 65.01 outlines the decision guidelines for an application. We submit the proposed unit development satisfies the decisions guidelines as listed below:

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

## 5.0 Discussion

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### 5.1 Introduction

This amended application proposes to remove all of the trees on the site (noting that none are of significance) to allow for the site to be used and developed for the purpose of a Child Care Centre.

While some replanting is proposed to occur there are some limitations due to the bushfire controls on the site. However, the applicants have made an effort to address the landscaping as shown on the attached amended landscape plans.

The site is located within a Low Density Residential Zone, which allows for non-residential land uses subject to a planning permit.

It is noted that unlike the General or Neighbourhood Residential Zones, there is no specific statement within the Zone purpose that promotes non-residential uses. While this does not necessarily 'discourage' a land usage such as a Child Care Centre, it does set the bar higher in terms of providing a justification.

In relation to this particular site, the applicant contends that it is an appropriate location for a Child Care Centre for the following reasons:

- The site is positioned directly opposite a Commercial 1 Zone (which is developed as an Aldi supermarket).
- The site is located within the designated urban part of the Monbulk township.
- The site is accessible to both road networks and public transport.
- It does not contain any vegetation of significance.
- There are 2 road frontages and only 2 residential interfaces, meaning addressing potential amenity impacts to the abutting residential properties is possible. The plans were further amended to better address the 2 abutting residential interfaces.

It is further noted that the Monbulk township residential area is all within a Low Density Residential Zone or a Rural Living Zone. Furthermore, commercially zoned land is relatively limited and should be reserved primary for retail type activities.

It is also understood that the Monbulk township and surrounding area has a significant lack of modern child care centres and a lack of child care places. Some residents need to source centres located well away from Monbulk or find alternative child minding arrangements.

In relation to the site, as stated, there are no significant trees, and the development proposes to allow for landscaping opportunities around the perimeter of the site. In particular where there is a residential interface there will be excellent separation (to the car park to the west and the play areas to the south) with these areas to be landscaped.

The use of acoustic treatment to these boundaries will also ensure greater noise protection.

The site slope has also been responded to in a positive manner. The land fall creates a level of design challenge, which has been responded to via the construction of the car park at the low point, along with one childrens room, and the provision of the remainder of the rooms to the level above.

The carpark has been designed to be accessible and functional, and will provide for 2 short term drop off parking spaces which have been widened to 3.0 metres in width for easy access.

The amended plans have also provided a greater setback to the southern boundary and the landscape plans show an improvement to the western elevation.

There will be a pedestrian access point available at this level and a pedestrian path (disabled compliant) has been provided to level above.

The actual building form is one which is compatible with the residential environment, offering excellent setbacks and the use of design elements and materials/colours which are consistent with

the character of the area.

Furthermore, the Child Care Centre is mostly active during normal business hours and not in the evenings or on the weekends. Noise generation (and I refer to the acoustic report) is at acceptable levels and there will not be activity or noise during the more sensitive times other than a very small number of vehicle movements prior to 6.30am Monday to Friday. Otherwise, the Child Care Centre is an excellent neighbour.

This use and development also requires the provision of play areas, which in turn creates a situation where setbacks from the more sensitive interfaces and the provision of landscaping can be provided.

In summary I contend that the use/development as proposed is ideally located. These activities will serve the local community (and a modern Child Care Centre offers an important community facility)

A discussion of the proposed development against the relevant provisions of the Yarra Ranges Planning Scheme follows:

## 5.2 Permit Triggers

A planning permit is required for the use and development of the site for the purpose of a Child Care Centre (under the zone and the Overlays) and for the removal of vegetation.

## 5.3 Key Issues

Key policy implications and issues for this use and development will revolve around the justification of:

- The site location;
- The built form and visual impacts;
- Interface and interaction with the abutting residential land;
- Provision of adequate landscaping around the site;
- Compliance with relevant planning policy;
- Provision of adequate car parking, including numbers and accessibility; and
- Amenity impacts to the surrounding residential areas.

All of these provisions will be discussed in detail, in the following assessment, and a clear justification for the proposal will be outlined.

## 5.4 Planning Response

### Municipal Planning Strategy

Clause 02.01 identifies that the Shire of Yarra Ranges is an outer-eastern municipality and that it is expected to accommodate a growth rate of 8% per annum. This will predominantly occur within the established residential and township areas.

In regard to Monbulk, this is a township that not only serves the immediate area, but also a much wider area that extends into the Dandenong Ranges as well as into the more rural area around Silvan and Macclesfield. It has a wide catchment and many residents need to drive through the township on their way to Melbourne and the outer suburbs, including key transport and employment hubs such as Lilydale.

In keeping with Clause 02.02 (*Vision*) this proposal promotes the effective use of urban land. The Monbulk township is unusual as it does not contain any General or Neighbourhood Residential Zones, therefore emphasising the need to located uses such as child care into the commercial area (which uses up much needed commercial land) or to support the use of appropriately located and fully serviced urban land within the LDRZ.

In this instance, the use of the subject site, which is positioned just outside of the commercial centre and fronting a main road. It is appropriately located and is a good use of urban land.

Under Clause 02.03 (*Strategic Direction*) it is clearly states that urban development should occur within the urban areas, particularly those within the *Large Neighbourhood Activity Centres* (of which Monbulk is one). It has therefore been identified as being suitable for the provision of services to cater for the local community needs.

This clause also recognises that these activity centres within the rural areas tend to serve a much wider catchment area. These are also recognised as areas that land uses, including those that serve the community, should be consolidated into or in the immediate surrounds.

As this is a usage that will provide a beneficial service to the local community and it is located immediately abutting the commercial part of the Monbulk township, it has a high level of justification and strategic support.

The *Amenity* section of this clause also identifies that residential areas are able to accommodate non-residential land uses. However, consideration of the impacts via traffic and noise, and whether such a proposal would undermine the activity centre, need to be considered.

This application proposes access/egress to a designated road zone, adequate parking has been provided on the site and the acoustic assessment confirms that there will not be any unreasonable impacts.

Given the site location and the nature of the usage, this proposal will not undermine the function of the activity centre.

As this provides for the local community, the relevant strategic direction has been achieved.

In relation to the landscape character of the area, no trees of significance are to be removed and the site will provide for some additional landscaping.

*Economic development* is discussed within Clause 02.03-7, and the proposed use/development achieves a high level of compliance as it assists in better utilising land adjacent to the activity centre and will support people returning to the workforce.

In regard to *Infrastructure* (Clause 02.03-9) the site is fully serviced, it is within the urban area of the township and will provide for the needed community services.

The Strategic Framework Plan found in Clause 02.04 identifies that the site is positioned within the *Urban Area and Growth Boundary*, lending weight to the site being suitable for a non-residential usage.

### Planning Policy Framework Response

Clause 11 of the Yarra Ranges Planning Scheme encourages land to be appropriately zoned to allow for suitable activities which serve local communities to be provided, and which are site responsive, offer choice and are accessible.

The use proposed is positioned in a good location with easy access to main roads, an activity centre, public transport and schools. The site is therefore easily accessible and is a location where a Child Care Centre could reasonably be expected.

Clause 11.01-1S encourages sustainable growth and the provision of choice and opportunity to settlements and towns.

Clause 11.01-1L-01 (*Settlement*) encourages the clustering of new residential development, businesses and community type facilities in and around the activity centres. As the site is on the edge of the Monbulk activity centre, there is weight to the site being appropriate.

This is also a strategic objective of Clause 11.03-1S (*Activity Centre*) which encourages the development and enhancement of activity areas which increase commercial and community service provision. The proposed use and development assists in promoting the appropriate growth and enhancement of this activity area via locating a Child Care Centre just outside of the Commercial Zone. Not only will this strengthen the role of the adjoining activity centre, but it will also provide a much needed and accessible service to the local community.

The site is located within a Significant Landscape Overlay, and therefore the local landscape is of consideration. Given that the site is positioned adjacent to the activity centre and there are no



significant trees on the site and additional landscaping will be provided, the proposal will not have an unreasonable landscape impact. It is therefore compliant with Clause 12.05-2S.

The requirements of Clause 13.02 (*Bushfire*) can be met as the site location and the design are compliant with all bushfire requirements. The site has 2 road frontages and has minimal vegetation around the perimeter.

The issue of noise and amenity is raised in clause 13.05 and 13.07. The site is located opposite a Commercial Zone and on an intersection of 2 busy local roads. Consideration of the abutting residential land has been given (including noise) and there will be no unreasonable amenity impacts caused (please refer to the acoustic report).

*Land use compatibility* is discussed in Clause 13.07-1S, and this focusses on whether the use/development as proposed is compatible with the activities on surrounding land. Given that the site is positioned on the edge of an activity centre and that Child Care is a usage which is usually considered appropriate within a residential environment, I do not believe that there is any incompatibility between the site uses as proposed and surrounding land (please refer to the acoustic report).

Clause 13.07-1L (*Non-residential uses in residential areas*) does not apply within the LDRZ, however some consideration of this policy should be given.

The policy encourages non-residential uses to be located adjoining an activity centre or on a Transport Zone. The site is located opposite an activity centre and with vehicle access to a Transport Zone, and it therefore consistent with the location intent.

The design strategies are also generally met as the development generally appears as a dwelling (assisted by having car parking located below), provides as much landscaping as possible and provides adequate car parking.

It is also stated that this is a suitable non-residential usage to be located within a residential zone, and that there is a local demand for the services to be provided.

The built form of the proposal is consistent with Clause 15 as the proposed buildings maintain a strong residential appearance due to the setbacks, weathertex cladding, pitched roof and landscaping opportunities.

It is also noted that while the building form is larger the car park has mostly been contained as an undercroft to the main section of the building, and hence is less visible.

Normally, a non-residential use such as this is highly discernible due to the prominence of hard paving for the car park areas. The fact that the parking is mostly obscured below the building ensues that the visual presentation of this non-residential usage is well disguised.

Otherwise, the development is sensitively designed and placed on the site, will not be excessively visual to the surrounding properties and allows for adequate setbacks and landscaping.

For a non -residential usage it will therefore have a relatively positive impact on the local character of the area.

In relation to relation to Clause 15.02, the development responds to the context of the site, interfaces with the public realm and provides adequate landscaping opportunities.

In keeping with Clause 15.01-2S, the design and siting of the development fits in with the local context. This has meant that amenity and visual impacts will be minimised and appropriate for the site and the surrounds.

Clause 17 of the scheme (*Economic Development*) states that planning should be encouraging a broad and innovative economy which meets the community needs. A Child Care Centre allows for parents to be able to return to the work force, and therefore it has a positive economic benefit.

Clause 19.02 states that *Education Facilities* (which Child Care Centres is considered as being grouped within) should be positioned to integrate into local communities. The position of this centre within an accessible location (on a busy local road and on the edge of an activity centre) ensures that the facility is highly accessible to local residents.

The 2021 Bureau of Statistics shows that Monbulk has a population of 3,651 people within the township, though the broader area contains a significantly higher level of population. The Monbulk Electoral Area has a much larger population (57,063 according to the 2016 census).

The township serves as the focal point of the wider rural environment, offering shops, services and education facilities. It is also at a key junction of main road for people heading towards Lilydale and the CBD.

It is understood that there is just under 400 children within the township itself and more within the broader area which are of child care age.

The benchmark figure for child care facilities is the provision of 1 available child care place for every 3 children. At the current ratio there is a demand for approximately 130 child care places within the township, and this can reasonably be expected to be significantly higher when taking into account the broader area which is not serviced by any child care centres.

Currently there is a single child care centre within the township, which provides 45 places. This clearly indicates an under-supply of child care places for the township and the surrounding area.

It is also important to note that the operator would not be willing to invest significant amounts of money to this project unless they were satisfied that the proposition is financially sound.

There are also a number of additional considerations for council:

- VCAT have frequently stated that approval of a planning application for child care should not be based purely on demand, as there are a range of additional important factors.
- A demand factor would weigh heavily in favour of an application, particularly in regard to planning objectives to achieve a 'net community benefit'.
- The availability of new child care facilities provides for additional options for parents to choose from.
- Waiting times can be significantly reduced.
- Competition provides price competition.

It should also be understood that the nature of family structures has changed significantly due to the rise of dual income parents and single parent families. These families are often highly dependent on being able to find child minding services, and both availability and price competitive options are important.

This is further contributed to by current government subsidies which further encourage child care usage.

So, while the population of the Monbulk township is unlikely to change or grow rapidly, this does not mean that there is not a current demand for child care (with the ratio of child care places being well below normal accepted levels) or that this demand will not change.

It is also common that parents who cannot find child care placements close to home will find alternatives, which is often sourcing placement in areas further from their home or place of work.

While it is clear that there is a demand for additional child care places within Monbulk, this is not a matter which will determine whether a planning permit should or should not be granted, but rather provide an additional justification for this much needed facility which provides an important service to the local community.

The strategies to this clause have generally been met as:

- There is a demand within the local area for such a facility (as detailed above) and that the proposed use and development can easily integrate into the local context of the site. The development has been designed to be considerate of the site opportunities and constraints, particularly given that this is a corner site directly opposite a commercial zone.
- Such facilities are encouraged to be located within close proximity to public transport, schools and safe walking and cycling routes. The site is easily accessible to a major road network (Main St), the Monbulk activity centre and public transport (bus routes).

While the site is positioned within a Low Density Residential Zone, it is put to the council that this is the default residential zoning for the Monbulk township (there are no areas which are zoned as General or Neighbourhood Residential) and as such there is an expectation that they should accommodate a range of non-residential uses which would usually be located in the less restrictive residential zones. Not to do so runs the risk of failing to adequately support the township with suitable services.

- Safe vehicular drop-off zones are provided within the car park (noting that this is primarily for usage of the Child Care Centre and spaces can be designated for 5 minute drop offs.

The proposal is therefore consistent with the underlying strategic intent of the Planning Policy Framework as it will better utilize a well located site for an activity which serves the local community.

#### Low Density Residential Zone

The site is positioned within an area that is covered by a Low Density Residential Zone. This zoning does allow for appropriate non-residential uses that serves the local community.

The application provides all relevant information as required by the zone. It is also consistent with the decision guidelines of the zone as it is compliant with the Municipal Planning Strategy and the Planning Policy Framework.

Normally it would be difficult to justify such an activity within this zone, but it is noted that the Monbulk township no longer has any residential land within a General or neighbourhood Residential Zone.

Therefore, being positioned with 2 busy road frontages and opposite an activity centre the site is appropriately justified for the use in this location.

#### Overlay controls

The site is impacted by 2 overlays, being the Significant Landscape Overlay (Schedule 22) and the Bushfire Management Overlay.

##### Significant Landscape Overlay (Schedule 22)

This area is designated as being Foothills and Rural Townships, including Monbulk. While the area has significance, the site is just out of the town centre and currently has no vegetation of high significance. As such, it has limited landscape value.

The proposed development has been designed to have a relatively small building footprint and to have an appearance of a residential building. The setbacks and large play areas will offer a good opportunity for landscaping to improve the long term visual amenity of the site.

It is noted that under these requirements a planning permit is required under this overlay due to the vegetation removal, front fence and height of the building.

##### Bushfire Management Overlay (Schedule 1)

In relation to the Bushfire Management Overlay, the development is located within an established residential area, with managed properties to 2 boundaries and constructed roads to the other boundaries.

There is no significant canopy vegetation on the site which is an issue for bushfire.

## 5.5 Other Planning Controls

### Clause 52.06

In regards to traffic, the development has been designed to be accessible to vehicles and to also provide for the correct number of car parking spaces (19). This includes an accessible space and 2 spaces which have been widened to allow for easy short term parking for drop offs and pick ups.

Please refer to the attached traffic report for more details.

### Clause 53.02

The proposed development must be compliant with Clause 53.02 (*Planning for Bushfires*). We believe that adequate compliance is achieved as:

- The MPS and PPF requirements have been met.
- The buildings and works will comply with all bushfire requirements to protect human life.
- I believe that the design layout minimises the risk to life and property due to the location and the vegetation removal.
- The land immediately around the extension and works is mostly cleared, offering excellent areas of defensible space, and there is a large commercial building to the west.

It is understood that additional information regarding the bushfire impacts may be required. Clause 65

Please refer to the traffic report for details, however it is understood that the design satisfies Clause 52.06 and the dispensation of 4 parking spaces has been justified.

The proposal complies with the decision guidelines of Clause 65 for the following reasons:

- The Municipal Planning Strategy and the Planning Policy Framework have been complied with (as discussed earlier).
- The zone provisions have been complied with (as discussed earlier).
- Any matter required to be considered in the zone and other provision has been appropriately addressed.
- There will be no unreasonable impact upon the amenity of the area.
- There will be no land degradation, or impacts upon salinity or reduced water quality.
- There will be no impact upon the quality of storm water within and exiting the site.
- There will be no loss of any significant vegetation.

## 6.0 Conclusion

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In conclusion the proposed use and development is ideally suited to the site and the location. Planning policy has been achieved and the usage will provide a well positioned service to the local community.

The location of the site and the design will ensure that there are minimal impacts upon the amenity of the surrounding properties, particularly to the abutting residential land.

As outlined, it is also the applicants view that the township is under-supplied with child care places, and that there is a clear demand for a new centre.

For the reasons outlined above, we believe that the proposed use and development is generally a reasonable outcome for the site and should be supported by council.

**Jason Sumer**  
**Principal Town Planner**  
**Apex Town Planning**  
**May 2023**